

What to do when you have a request for access to, or correction of, information

Have a policy outlining how you will respond to a patients request for access to, or correction of information in his or her, own health records.

For access to information, include:

- How you will check identity of person seeking access (*eg drivers licence*)
Note the details on the request form.
- How you will check if the person has the legal authority to gain access (*eg legal guardian documents, deceased patients legal representative*)
- When you will have the information available (*eg within 30 days under Commonwealth legislation*)
- Your fees (*see Fees Information Sheet*)
- How you will deal with denying access to records
 - When access would pose a serious and imminent threat to the life or health of any individual
 - Providing access would have an unreasonable impact on others' privacy
 - The request is frivolous or vexatious
 - Providing access would be unlawful
- When access is denied, appoint a Nominated Health Service Provider (NHSP) (*See note below*)
- What records you will provide access to (Commonwealth legislation provides access to information recorded after 21/12/2001, and in certain circumstances, to information recorded before that date *ie if the information already held is used or disclosed after 21/12/2001, unless there is an unreasonable administrative burden*)
- A check sheet / application form for patient requests outlining-
 - How the patient has requested access
 - How much information will be provided from the records
 - How the information will be provided

(A comprehensive template has been enclosed with these points addressed)

For correction of information-

- Provide patients with the opportunity to correct information
- Make a note on the original file of corrections
- If there is disagreement about the correction, note the reasons for the disagreement and the correction/s requested by the patient on the original file

Role as Nominated Health Service Provider (NHSP)

- *If you deny access to health information, the reasons must be explained to the patient*
- *You can appoint a NHSP to review your decision*
- *You can also be asked to act as a NHSP by another health service provider when an individual has been refused access to health information by another health service provider (on the grounds that granting access would pose a serious threat to their life or health)*
- *If requested to act as a NHSP, you have the choice of agreeing or not agreeing to take on the role*
- *Your role as NHSP includes deciding whether access would or would not constitute a serious threat, then either allow inspection of information or decline to allow the individual access*
- *You can charge a fee for carrying out these duties (maximum to be set by regulation)*